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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

JUN 7 2000

Ref: 8ENF-T

NOTICE OF DECISION NOT TO USE SPECIAL NOTICE PROCEDURES
REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS)
URGENT LEGAL MATTER
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Hank Rothwell
United Park City Mines Company
P.O. Box 1450
Park City, UT 84060

Re: Richardson Flat Tailings Site
Summit County, UT

Dear Mr. Rothwell

The United States Environmental Protection Agency (EPA) hereby issues this Notice of Decision Not To Use Special Notice Procedures to United Park City Mines Company (UPCM) in connection with the Richardson Flat Tailings Superfund Site located in Summit County Utah (the "Site"), under Section 122 (e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA).

NOTICE OF POTENTIAL LIABILITY

This letter confirms notification of potential liability that you may incur or have incurred with respect to the above-referenced site, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9607(a), as amended (CERCLA).

DECISION NOT TO USE SPECIAL NOTICE

In this instance, EPA has determined, consistent with Agency guidance, that it is inappropriate to invoke the Section 122(e) Special Notice Procedures. EPA believes that using such Special Notice Procedures would not facilitate an agreement between EPA and UPCM and would not expedite response actions at the Site.

EPA believes the necessity of expeditiously reaching an agreement to conduct response actions at the Site, that the use of Section 122(e) Special Notice Procedures is inappropriate.

The decision not to use the Special Notice Procedures does not preclude Potentially Responsible Parties (PRP's) from entering into discussions with EPA regarding your participation in response activities at the Site. In fact, EPA invites UPCM to enter into negotiations with EPA and the State of Utah at once. This decision simply means that EPA will not use the Special Notice Procedures to govern any future discussions.

8ENF-T
DH
JAN

8EPR-SR
Christiansen
JR 6/5/00

8ENF-T
Kendall
6/6/00

ENF-L
Cohn
6/6/00



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GOOD FAITH OFFER AND NEGOTIATION SCHEDULE

A copy of the Draft Administrative Order On Consent For Focused Remedial Investigation and Feasibility Study (RI/FS) and Draft RI/FS Work Plan is enclosed. These are included to assist UPCM in developing a good faith offer for RI/FS. UPCM is encouraged to contact EPA within fourteen days (14) of receipt of this letter to indicate UPCM's willingness to participate in discussions for the conduct of the RI/FS and to present to EPA a "good faith offer" to conduct the RI/FS and reimburse EPA for its response costs. A "good faith" offer is a written RI/FS proposal that demonstrates UPCM's qualifications and willingness to conduct or partially finance the RI/FS and includes the following elements:

1. A statement of willingness to conduct or partially finance the amended RI/FS and provides a sufficient basis for further negotiations.
2. A statement of willingness to reimburse the United States of America for its response costs, including costs incurred in overseeing PRP conduct of the RI/FS.
3. The name, address, and telephone number of the party who will represent UPCM in negotiations.

EPA and the State of Utah (the "State") desire that negotiations for performance of work at the site be conducted in a timely fashion. EPA and the State intend to conclude negotiations with UPCM and, if successful, have an executed Consent Order by June 30, 2000. You should also be aware that this notification letter is also being sent to ASARCO Incorporated, Noranda, Inc. and the Atlantic Richfield Company. EPA encourages all PRPs to consider forming a steering committee to represent the groups interest.

DEMAND FOR PAYMENT

With this letter, EPA requests that UPCM reimburse the United States for all past and future costs incurred by the United States in connection with the Site, including those to be incurred in the performance and oversight of the RI/FS at the Site.

As described above, EPA has undertaken actions and incurred certain costs in response to conditions at the Site. The cost of the response actions performed at the Site through EPA funding from October 1, 1980 through August 31, 1999, is approximately \$283,318.45. In accordance with Section 107(a) of CERCLA, demand is hereby made for immediate payment of the above amount plus any and all interest recoverable under Section 107 or any other provisions of law.

UPCM's response to this notice letter should be sent to:

Matthew Cohn - ENF-L
U.S. Environmental Protection Agency
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6853

If you have any questions pertaining to this matter, please direct them to Matthew Cohn, Attorney, EPA, Legal Enforcement Program at the number mentioned above or Jim Christiansen, EPA Remedial Project Manager at (303) 312-6748.

Sincerely,

Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Jim Christiansen, EPR-SR
Matthew Cohn, ENF-L
Gregory Phoebe, ENF-T

Z 152 740 830

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

MR HANK ROTHWELL
UNITED PARK CITY MINES COMPANY
POST OFFICE BOX 1450
PARK CITY UT 84060

Sent by _____
Street _____
Post Office _____
Postage _____
Certified _____
Special _____
Restricted _____
Return to Whom _____
Return to Date & Place _____
TOTAL _____
Postmark _____

PS Form 3800, April 1995

Is your RETURN to the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

JUN 7 2000

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

MR HANK ROTHWELL
UNITED PARK CITY MINES COMPANY
POST OFFICE BOX 1450
PARK CITY UT 84060

1a. Article Number

2152 740 830

1b. Service Type

- ☐ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

1c. Date of Delivery

6/13/00

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Wendy Barber Jones

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



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Sincerely,

A handwritten signature in black ink, appearing to read "Carol Rushin", with a stylized flourish at the end.

Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Jim Christiansen, EPR-SR
Matthew Cohn, ENF-L
Gregory Phoebe, ENF-T